

Item No. 476 and 477.

The Act of October 6, 1917, as amended, provides that whenever the publication or disclosure of an invention by the granting of a patent might be detrimental to the safety or defense of the United States, the Commissioner of Patents may order that the invention be kept secret and withhold the granting of a patent for such period as in his opinion the national interest requires. It also requires a license from the Patent Commissioner to file a patent application in a foreign country where the invention was made in the United States. The original Act specified that its provisions were effective when the United States was at war, and its subsequent amendments retained the provisions in force during the time when the United States is at war.

In view of the fact that CIA is, through its own facilities or those of its contractors, developing many operational aids for which this type of protection would be highly desirable, we have concurred in the position of the Defense and Commerce Departments and the AEC that continuation of the authority of the Act is essential either by extending the present powers or by new legislation which could be adaptable to cover "cold war" situations rather than limited to actual war conditions, as at present.

RECOMMENDATION SHEET

Replying to Bureau of the Budget Letter and Memorandum dated November 8, 1951.

(PLEASE READ LETTER AND MEMORANDUM BEFORE EXECUTING)

1. Agency _____ 2. Item No. 476 & 477) See
 Replying Central Intelligence Agency or) Memo
 U.S.Code) Para.
 Citation _____) 10

3. For this item this agency is (Indicate by "x"; see Memorandum Para. 10):
 the Responsible Agency (); a Commenting Agency (); Other (x).

4. Citation in full (See NOTE A and Memorandum Para. 10):

5. Digest (See NOTE A and Memorandum Para. 10):

6. Recommendation of this agency (Indicate which by "x");
 CONTINUE (x); DO NOT Continue ()
 the authority now existing.

7. Brief justification for Congress of the recommendation in 6. if that recommendation is affirmative (See NOTE B and Memorandum Para. 10):

8. Reasons and views (The only time you need not answer here is when the justification in 7. states your views to your full satisfaction; see Memorandum Para. 10).

CIA concurs in the position of Defense, Commerce and AEC that continuation of this authority is essential. Whether this should be accomplished by continuation of present legislation or by a separate bill would depend upon the legislative situation; but new legislation would be preferable if needed to extend the terms of the Act to cover "cold war" and similar conditions.

9. Suggested legislative language for continuing the authority (See NOTE B and Memorandum Para. 10):

NOTE A (Applicable to lines 4 and 5): Answers on lines 4 and 5 are required from you for this item if (a) you are the Responsible Agency for this item (whether or not you desire your authority continued) or (b) this item is not on the List of Statutes and you desire your authority continued.

NOTE B (Applicable to lines 7 and 9): Answers on lines 7 and 9 are required from you for this item if you desire your authority continued and (a) you are the Responsible Agency for this item or (b) this item is not on the List of Statutes.

To be sent to the Bureau of the Budget in DUPLICATE. For more space, see Memorandum Para. 9E